

Message Text

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ORIGIN SCI-06

INFO OCT-01 EUR-25 ISO-00 AID-20 CEQ-02 CIAE-00 COA-02

COME-00 DODE-00 EB-11 EPA-04 INR-10 IO-14 L-03 NSF-04

NSC-10 NSAE-00 PM-07 RSC-01 SS-20 SPC-03 FEA-02

SAM-01 DOTE-00 /146 R

DRAFTED BY SCI/EN:WCSALMON:KSV

APPROVED BY SCI/EN:WCSALMON

EUR/CE:LHEICHLER (DRAFT)

EPA/AI:FGREEN (DRAFT)

EUR/RPE:ALIEBOWITZ (INFO)

L:RBETTAUER (DRAFT)

CEQ:WHAYNE (DRAFT)

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R 312141Z JAN 74

FM SECSTATE WASHDC

TO AMEMBASSY BONN

INFO USMISSION EC BRUSSELS

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E.O. 11652: N/A

TAGS: SENV, GW

SUBJ: PROSPECTIVE U.S.-FRG ENVIRONMENTAL AGREEMENT

REF: BONN 11656

1. SUMMARY: THE EMBASSY IS REQUESTED TO REVIEW THE INCLUDED TEXT AND, IF NO OBJECTION PERCEIVED, PRESENT IT TO THE FRG FOR ITS REVIEW AND COMMENTS. ONCE AGREEMENT ON THE TEXT IS REACHED, WE CAN THEN CONSIDER THE QUESTION OF WHO WILL SIGN, WHERE AND WHEN. REQUEST EMBASSY CABLE TIMING OF PRESENTATION OF TEXT TO FRG AS DEPARTMENT WILL INFORM FRG EMBASSY WASHINGTON AT THAT TIME.

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2. THE REFTTEL CONTAINED AN FRG DRAFT TEXT OF THE SUBJECT AGREEMENT. AFTER CONSULTATIONS WITH USG TECHNICAL AGENCIES IN WASHINGTON AND INFORMAL DISCUSSIONS BY DEPARTMENT OFFICERS WITH FRG AND EMBASSY OFFICIALS IN

BONN ON NOVEMBER 8, REVISIONS IN THAT DRAFT HAVE BEEN MADE. WE BELIEVE THE TEXT INCLUDED IN THIS TELEGRAM BEST MEETS THE SEVERAL POINTS OF VIEW EXPRESSED. WE PROPOSE THAT THE EMBASSY, IF IT HAS NO OBJECTION, PRESENT THE TEXT TO THE APPROPRIATE FRG OFFICIALS NOTING THAT THIS REFLECTS OUR VIEWS ON THEIR DRAFT CONTAINED IN THE REFTEL AND THE UNDERSTANDINGS REACHED AT THE NOVEMBER 8 INFORMAL MEETING AT BONN.

3. CIRCULAR 175 AUTHORITY HAS BEEN GRANTED FOR THE NEGOTIATION AND CONCLUSION OF THIS AGREEMENT. WE WOULD LIKE TO LEAVE OPEN AT THIS TIME THE QUESTION OF WHO WOULD SIGN AND WHERE THE SIGNING WOULD TAKE PLACE. SHOULD THE FRG NOW, OR IN THE FUTURE, HAVE A SPECIFIC OCCASION IN MIND FOR THE SIGNING, WE WOULD WELCOME RECEIVING THEIR SUGGESTION. THE EMBASSY'S VIEWS ARE, OF COURSE, ALWAYS MOST WELCOME.

4. THE RELATIONSHIP OF THIS BILATERAL AGREEMENT TO OUR DEVELOPING RELATIONS WITH THE EC COMMISSION HAS BEEN RAISED IN VARIOUS QUARTERS. OUR POLICY AT THIS POINT IS TO PURSUE COOPERATION WITH THE EC ON A NUMBER OF MUTUALLY BENEFICIAL ENVIRONMENTAL TOPICS AND TO PURSUE CONCURRENTLY ON A BILATERAL BASIS MUTUALLY BENEFICIAL COOPERATION ON ENVIRONMENTAL TOPICS WITH THE FRG - AS REPRESENTED BY THIS AGREEMENT - AND WITH OTHER EC MEMBER GOVERNMENTS AS MUTUALLY DESIRED. THE U.S. HAS INSISTED THAT SOME "TIP OF THE HAT" BE MADE TO THE EC IN THIS BILATERAL AGREEMENT AS A POSSIBLE HELP TO U.S.-EC ENVIRONMENTAL RELATIONS (SEE PREAMBLE); THE FRG HAS LIMITED ITS INTEREST TO ELIMINATING ANY COMMITMENT TO THE U.S. UNDER THIS AGREEMENT THAT MIGHT CONFLICT WITH ITS CURRENT COMMITMENTS TO THE EC. (NOTE: MICHEL CARPENTIER, IN CHARGE OF ENVIRONMENTAL ACTIVITIES ON THE EC COMMISSION, EXPRESSED CONCERN ON LEARNING OF A POSSIBLE U.S.-FRG AGREEMENT ON ENVIRONMENTAL COOPERATION:
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HE MAY FEEL THAT SUCH COOPERATION WOULD REDUCE COMMISSION'S ROLE IN U.S.-WESTERN EUROPE ENVIRONMENTAL COOPERATION - EC BRUSSELS 6886.) WE WOULD LIKE THE EC TO BE INFORMED AT AN EARLY DATE ABOUT THIS PROSPECTIVE AGREEMENT AND BELIEVE THAT THIS IS BEST DONE BY THE FRG. HOWEVER, IF THE FRG PREFERS, WE ARE PREPARED TO GIVE CARPENTIER A COPY OF THE ENCLOSED DRAFT WHEN HE VISITS WASHINGTON FEBRUARY 7-8 FOR INFORMAL U.S.-EC DISCUSSIONS ON ENVIRONMENTAL COOPERATIVE MATTERS. WE WOULD CHARACTERIZE THE DRAFT AS PRELIMINARY, BEING STUDIED BY BOTH GOVERNMENTS. APPRECIATE SOME RESPONSE ON THIS ASPECT PRIOR TO FEBRUARY 7.

5. BEGIN TEXT OF AGREEMENT:

"AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES
OF AMERICA AND THE GOVERNMENT OF THE FEDERAL REPUBLIC
OF GERMANY ON COOPERATION IN ENVIRONMENTAL PROTECTION

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE
GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY,

BELIEVING THAT:

- THE NATIONAL ENVIRONMENT OF EACH COUNTRY AS WELL AS
THE GLOBAL ENVIRONMENT MUST BE PROTECTED FOR THE HEALTH
AND WELL-BEING OF PRESENT AND FUTURE GENERATIONS;

- EFFICIENT INDUSTRIALIZATION AND HEALTHFUL URBANIZATION
REQUIRE EFFECTIVE POLLUTION ABATEMENT AND CONTROL AND
ENVIRONMENTAL CONSERVATION POLICIES AND PRACTICES;

- COOPERATION BETWEEN THE TWO GOVERNMENTS IS OF MUTUAL
ADVANTAGE IN COPING WITH SIMILAR PROBLEMS IN EACH
COUNTRY AND IS IMPORTANT IN MEETING EACH GOVERNMENT'S
RESPONSIBILITIES FOR THE MAINTENANCE OF THE GLOBAL
ENVIRONMENT;

RECOGNIZING THE IMPORTANCE OF HARMONIOUS ENVIRONMENTAL
POLICIES AND PRACTICES, PARTICULARLY AMONG INDUSTRIALIZED
STATES AND GROUPS OF STATES, SUCH AS THE EUROPEAN
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COMMUNITIES;

ACKNOWLEDGING THE SIGNIFICANT MUTUAL BENEFIT BEING
DERIVED BY BOTH GOVERNMENTS FROM ONGOING COOPERATION
IN VARIOUS FIELDS, INCLUDING THE UNITED STATES-GERMAN
COOPERATIVE PROGRAM IN NATURAL RESOURCES, ENVIRONMENTAL
POLLUTION CONTROL AND URBAN DEVELOPMENT (UGNR); AND

DESIRING TO DEMONSTRATE THE INCREASE IN IMPORTANCE
ATTACHED BY BOTH GOVERNMENTS TO COOPERATION IN ENVIRON-
MENTAL PROTECTION;

AGREE AS FOLLOWS:

ARTICLE I

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE
GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY - HEREIN-
AFTER REFERRED TO AS CONTRACTING PARTIES - THROUGH
THEIR APPROPRIATE AGENCIES WILL MAINTAIN AND ENHANCE
BILATERAL COOPERATION IN THE FIELD OF ENVIRONMENTAL

PROTECTION ON THE BASIS OF EQUALITY, RECIPROCITY AND
MUTUAL BENEFIT.

ARTICLE II

COOPERATION MAY BE UNDERTAKEN IN MUTUALLY AGREED AREAS
PERTAINING TO ENVIRONMENTAL QUALITY MANAGEMENT, SUCH
AS:

(A) POLLUTION PROBLEMS OF MUTUAL CONCERN - THEIR
IDENTIFICATION AND STUDY AND ASSESSMENT OF RELEVANT
CONTROL TECHNOLOGY AND RELATED HEALTH EFFECTS, FOR
EXAMPLE:

1. WATER POLLUTION, INCLUDING SUCH ASPECTS AS WASTE
WATER TREATMENT FOR INDUSTRIAL, MUNICIPAL, AND AGRI-
CULTURAL POLLUTION, DEVELOPMENT OF DRINKING WATER
STANDARDS, AND SLUDGE DISPOSAL;

2. AIR POLLUTION, INCLUDING STATIONARY AND MOBILE
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SOURCES, DEVELOPMENT OF LOW POLLUTION POWER SYSTEMS,
AND RELATED HEALTH EFFECTS;

3. SOLID WASTE MANAGEMENT AND RESOURCE RECOVERY;

4. PESTICIDES, TOXIC AND OTHER HARMFUL SUBSTANCES;

5. MARINE POLLUTION;

6. NOISE POLLUTION;

7. POLLUTION RELATED TO ENERGY PRODUCTION, CONVERSION
AND CONSUMPTION;

(B) ASSESSMENT OF ENVIRONMENTAL QUALITY, INCLUDING
TECHNIQUES OF MONITORING AND SURVEILLANCE;

(C) DISCUSSION OF ENVIRONMENTAL POLICIES, PRACTICES
AND ORGANIZATION;

(D) EXCHANGE OF EXPERIENCE ON DESIGNS AND DEVELOPMENT
OF ENVIRONMENTAL INFORMATION SYSTEMS;

(E) EDUCATION AND TRAINING IN ENVIRONMENTAL PROTECTION;

(F) ENVIRONMENTAL IMPACT EVALUATIONS;

(G) CONSULTATIONS ON INTERNATIONAL ENVIRONMENTAL POLICY
ISSUES; AND

(H) OTHER ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACTIVITIES, AS AGREED.

ARTICLE III

THE FORMS OF COOPERATION TO BE UNDERTAKEN AS MUTUALLY AGREED MAY INCLUDE:

(A) MEETINGS TO DISCUSS MAJOR ENVIRONMENTAL POLICY ISSUES, TO IDENTIFY PROJECTS WHICH MAY BE USEFULLY UNDERTAKEN ON A COOPERATIVE BASIS, AND TO REVIEW ACTIVITIES OF LIMITED OFFICIAL USE

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TIES AND ACCOMPLISHMENTS UNDER THIS AGREEMENT; TECHNICAL SYMPOSIA AND CONFERENCES;

(B) IMPLEMENTATION OF AGREED COOPERATIVE PROJECTS;

(C) EXCHANGE OF INFORMATION AND DATA ON ENVIRONMENTAL RESEARCH AND DEVELOPMENT ACTIVITIES, POLICIES, PRACTICES, LEGISLATION AND REGULATIONS, AND ANALYSIS OF OPERATING PROGRAMS AND EVALUATION OF ENVIRONMENTAL IMPACTS;

(D) VISITS BY SCIENTISTS, TECHNICIANS, TEACHERS OR ADMINISTRATORS ON SPECIFIC OR GENERAL SUBJECTS; AND

(E) COORDINATION OF SPECIFIC RESEARCH ACTIVITIES.

ARTICLE IV

THE CONTRACTING PARTIES WILL USE THEIR BEST EFFORTS TO HARMONIZE TO THE MAXIMUM EXTENT PRACTICABLE THEIR ENVIRONMENTAL POLICIES AND PRACTICES, AND TO PROMOTE BROAD INTERNATIONAL HARMONIZATION OF EFFECTIVE MEASURES TO PREVENT AND CONTROL ENVIRONMENTAL POLLUTION.

THE CONTRACTING PARTIES WILL USE THEIR BEST EFFORTS TO ENSURE THAT THE COST OF CARRYING OUT POLLUTION PREVENTION AND CONTROL MEASURES WILL BE INCLUDED IN THE COST OF GOODS AND SERVICES WHICH CAUSE POLLUTION IN PRODUCTION OR CONSUMPTION, AND TO PREVENT ENVIRONMENTAL PROTECTIVE MEASURES BEING USED AS NON-TARIFF BARRIERS TO TRADE. WHERE TRADE DISTORTIONS RESULT FROM DIFFERENCES IN THE ENVIRONMENTAL PRACTICES AND PROCEDURES OF THE TWO COUNTRIES, THE CONTRACTING PARTIES WILL CONSULT UPON REQUEST WITH A VIEW TO MITIGATING SUCH DISTORTIONS.

ARTICLE V

EACH CONTRACTING PARTY WILL NOTIFY THE OTHER OF ITS
POINT OF COORDINATION RESPONSIBLE FOR THE CONDUCT OF
ITS ACTIVITIES UNDER THIS AGREEMENT. EACH CONTRACTING

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PARTY MAY ALSO IDENTIFY SUCH ADMINISTRATIVE ARRANGEMENTS
AS IT DEEMS DESIRABLE TO PERMIT ITS MOST EFFECTIVE
PARTICIPATION IN THE VARIOUS COOPERATIVE ACTIVITIES
UNDER THIS AGREEMENT. BY MUTUAL AGREEMENT, SPECIFIC
COOPERATIVE ACTIVITIES MAY BE CONFIRMED BY SEPARATE
AGENCY-TO-AGENCY ARRANGEMENTS. EACH CONTRACTING PARTY
WILL ENSURE FOR ITS PART APPROPRIATE COORDINATION AMONG
ACTIVITIES UNDER THIS AGREEMENT WITH OTHER COOPERATIVE
PROGRAMS BETWEEN THE TWO GOVERNMENTS.

ARTICLE VI

PARTICIPANTS IN THE COOPERATIVE ACTIVITIES UNDER THIS
AGREEMENT MAY INCLUDE GOVERNMENT AGENCIES, ACADEMIC
INSTITUTIONS, PRIVATE ECONOMIC ENTERPRISES, AND CITIZEN
ORGANIZATIONS. THE CONTRACTING PARTIES WILL ENCOURAGE
AND FACILITATE PARTICIPATION BY NON-GOVERNMENTAL BODIES.

ARTICLE VII

SCIENTIFIC AND TECHNOLOGICAL INFORMATION OF A NON-
PROPRIETARY NATURE DERIVED FROM THE COOPERATIVE
ACTIVITIES UNDER THIS AGREEMENT WILL BE MADE AVAILABLE
TO THE WORLD SCIENTIFIC COMMUNITY THROUGH CUSTOMARY
CHANNELS AND IN ACCORDANCE WITH THE NORMAL PROCEDURES
OF THE PARTICIPATING AGENCIES.

THE DISPOSITION OF PATENTS, KNOW-HOW, AND OTHER PROPRIETARY
PROPERTY DERIVED FROM THE COOPERATIVE ACTIVITIES UNDER
THIS AGREEMENT WILL BE PROVIDED FOR IN DETAILED ARRANGE-
MENTS COVERING SPECIFIC PROGRAMS AND PROJECTS.

ARTICLE VIII

NOTHING IN THIS AGREEMENT SHALL BE CONSTRUED TO PREJUDICE
OTHER ARRANGEMENTS OR FUTURE ARRANGEMENTS FOR COOPERA-
TION BETWEEN THE CONTRACTING PARTIES OR WITH THIRD PARTIES.

ACTIVITIES UNDER THIS AGREEMENT SHALL BE SUBJECT TO THE
AVAILABILITY OF APPROPRIATED FUNDS AND TO THE APPLICABLE
LAWS AND REGULATIONS IN EACH COUNTRY. UNLESS OTHERWISE
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AGREED, EACH CONTRACTING PARTY WILL BEAR THE COSTS OF ITS OWN PARTICIPATION IN THIS AGREEMENT.

ARTICLE IX

THIS AGREEMENT SHALL ALSO APPLY TO WESTERN SECTORS OF BERLIN UNLESS THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY MAKES A CONTRARY DECLARATION TO THE GOVERNMENT

THE ENTRY INTO FORCE OF THE AGREEMENT.

ARTICLE X

THIS AGREEMENT SHALL ENTER INTO FORCE UPON SIGNATURE, SHALL REMAIN IN FORCE FOR FIVE YEARS AND THEREAFTER MAY BE MODIFIED OR EXTENDED BY MUTUAL AGREEMENT. THE TERMINATION OF THIS AGREEMENT SHALL NOT AFFECT THE VALIDITY OF ANY ARRANGEMENTS MADE UNDER THIS AGREEMENT.

DONE AT , IN DUPLICATE, IN THE ENGLISH AND GERMAN LANGUAGES, BOTH BEING EQUALLY AUTHENTIC, THIS DAY OF , 19 .

FOR THE GOVERNMENT OF THE FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA FEDERAL REPUBLIC OF GERMANY"
KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 27 JUL 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENT DRAFT, POLLUTION, NOISE POLLUTION, WATER POLLUTION, SCIENTIFIC COOPERATION, TECHNICAL ASSISTANCE, MEETINGS
Control Number: n/a
Copy: SINGLE
Draft Date: 31 JAN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: golinofr
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE020929
Document Source: ADS
Document Unique ID: 00
Drafter: SCI/EN:WCSALMON:KSV
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740175/abbrzock.tel
Line Count: 354
Locator: TEXT ON-LINE
Office: ORIGIN SCI
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 7
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: BONN 11656
Review Action: RELEASED, APPROVED
Review Authority: golinofr
Review Comment: n/a
Review Content Flags:
Review Date: 01 APR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 APR 2002 by kelleyw0>; APPROVED <30 MAY 2002 by golinofr>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PROSPECTIVE U.S.-FRG ENVIRONMENTAL AGREEMENT
TAGS: SENV, ENRG, GE
To: BONN INFO EC BRUSSELS
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005